

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROSELYN ISIGI,

Plaintiff,

-against-

HARRY DORVILIER and HARRY'S
NURSES REGISTRY,

Defendants.

MEMORANDUM AND ORDER

1:16-cv-2218(FB)(SMG)

Appearances:

For the Plaintiff

JONATHAN A. BERNSTEIN
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For the Defendant

EDWARD IRIZARRY
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260 Madison Ave., 8th Fl.
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BLOCK, Senior District Judge:

On September 7, 2017, Magistrate Judge Steven M. Gold issued a Report and Recommendation (“R&R”) recommending the entry of defendants’ default in this action for violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) and state law retaliation. This Court adopted the R&R, ordered entry of a default judgment, and referred the matter back to Judge Gold for calculation of damages.

On March 14, 2018, Judge Gold issued a second R&R recommending that plaintiff be awarded \$117,318.25 in unpaid overtime wages and \$97,510 in liquidated damages on her FLSA and NYLL claims; \$40,412.45 in pre-judgment interest on her NYLL claims; \$12,096 in lost wages, \$5,000 in emotional distress damages, and \$5,000 in

liquidated damages on her retaliation claim; and \$44,890.58 in attorney's fees and costs. The R&R instructed that "[a]ny objections to the recommendations contained in this Report must be filed with the Clerk of the Court within fourteen days of the date of this Report and in any event no later than March 28, 2018." No objections have been filed to date, and defendants' opportunity to object has passed.

Where there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court must conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and enters judgment in the above amount.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
April 2, 2018